

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.412 OF 2003

The Kurla Nagarik Sahakari Bank Ltd..Petitioner

Versus

The Divisional Joint Registrar,  
Co-operative Societies (Appeals)  
Mumbai Division, Mumbai & Ors..Respondents

Ms. Madhuri Ghodse i/b. Mr. K.V. Tembe for the  
Petitioner.  
Mr. A.A. Joshi, for Respondent No.3.  
Mr. P.M. Palshikar, A.G.P. for Respondents 1 and 2.

**CORAM: F.I. REBELLO, J.**  
**DATE : 10th September,2004**

P.C.

1. The respondent No.3 moved an application before the Divisional Joint Registrar, Co-operative Societies, Mumbai in Revision Application No.23 of 2003 against the wrongful attachment of her property in proceedings initiated by respondent No.1. From the record it appears that Mr. Rakesh Gupta son of the Respondent No.3 had taken the loan from the petitioners herein. The record further shows that no mortgage was created in respect of the property of Rakesh Gupta. The contention of the respondent NO.3 is that she is the owner of the premises. After considering that the learned Divisional Joint Registrar by order dated 23rd January, 2003 allowed the Revision Application and directed the respondent No.2 to remove the locks and got back actual physical possession. That order was challenged by the petitioners herein. At the ad-interim stage on 17th February, 2003 a learned single Judge of this Court was pleased to grant ad-interim relief in terms of prayer clause (c). That interim relief still continues.

2. The order was purely interim. Apart from that the

order passed on 17th February, 2003 will protect the interest of both the petitioner herein as well as the respondent No.3. Considering the above, Rule made absolute in terms of the ad-interim relief granted on 17th February, 2003 and will continue to be in operation till the hearing and final disposal of the Revision Application.

Writ Petition stands disposed of accordingly.

Authenticated copy be issued to the parties.

**(F.I. REBELLO, J.)**